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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 CIRON B. SPRINGFIELD,
12 Plaintiff,

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14 K. ESTRADA, et al.,
15 Defendants.
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NO. CV 18-9488-DDP (AGR)

ORDER TO SHOW CAUSE

18 Plaintiff, a prisoner, has filed a civil rights complaint under 42 U.S.C. § 1983
19 and an application to proceed without prepayment of filing fees.

20 Plaintiff is ordered to show cause in writing, on or before **December 10,**
21 **2018**, why the court should not recommend denial of his application to proceed *in*
22 *forma pauperis* due to his admitted failure to exhaust administrative remedies.
23 The complaint acknowledges that Plaintiff did not complete the grievance
24 procedure. (Compl. at 2.)

25 A prisoner is required to complete exhaustion procedures before filing a
26 complaint in court. *Ross v. Blake*, 136 S. Ct. 1850, 1856 (2016). “No action shall
27 be brought with respect to prison conditions under [42 U.S.C. § 1983], or any
28 other Federal law, by a prisoner confined in any jail, prisoner, or other

1 correctional facility until such administrative remedies as are available are
2 exhausted.” 42 U.S.C. § 1997e(a).

3 The complaint alleges that Plaintiff’s appeal at the first level was partially
4 granted in that an investigation into Plaintiff’s enemy concerns would be
5 conducted and a “determination will then be made on placement and housing
6 options.” (Compl. at 5C ¶ 6 & Exh. 6 at 1.)

7 The complaint does not allege that administrative remedies are unavailable.
8 Plaintiff states that the named defendants “participated in the review of the
9 appeal.” (Compl. at 2.) However, a prisoner is not entitled to a specific grievance
10 procedure and mishandling of grievances fails to state a claim for relief. *Ramirez*
11 *v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003). More importantly, a defendant’s
12 participation in the grievance process does not excuse exhaustion of remedies.
13 “An inmate, that is, must exhaust available remedies, but need not exhaust
14 unavailable ones.” *Ross*, 136 S. Ct. at 1858.

15 **ORDER TO SHOW CAUSE**

16 IT IS THEREFORE ORDERED that on or before ***December 10, 2018***,
17 Plaintiff shall show cause in writing why the court should not recommend denial of
18 his application to proceed *in forma pauperis* and dismissal of his complaint
19 without prejudice.

20 **If Petitioner fails to respond to this order to show cause by *December***
21 ***10, 2018*, the court may recommend that the application for proceed *in***
22 ***forma pauperis* be denied and that the complaint be dismissed without**
23 **prejudice.**

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26 DATED: November 9, 2018



ALICIA G. ROSENBERG
United States Magistrate Judge